

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Paul Michael Smith,

Plaintiff,
v.

Thomas Doub, Cody Hampton, K. Antal, K.
Lawson,

Defendants.

C/A: 2:24-cv-03900-RMG

ORDER

Before the Court is the Report and Recommendation (“R&R”) of the Magistrate Judge recommending, *sua sponte*, that the Court transfer this case to the United States District Court for the Middle District of North Carolina. (Dkt. No. 7). The Magistrate Judge found that venue is not proper in the District of South Carolina because Defendants are citizens of North Carolina and the alleged events giving rise to Plaintiff’s claims occurred in North Carolina. The Magistrate Judge also noted that Plaintiff did not allege any facts indicating a basis for the District Court of the District of South Carolina to obtain personal jurisdiction over any of the Defendants. For these reasons, the Magistrate Judge recommended transferring the action to the Middle District of North Carolina. No objections to the R & R were filed by any party.

Legal Standards

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). This Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made. Additionally, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1).

Where the plaintiff fails to file any specific objections, “a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (internal quotation omitted). Because the parties did not file objections to the R&R, the R&R is reviewed for clear error.

Discussion

After a review of the record and the R&R, the Court finds that the Magistrate Judge ably addressed the issues and correctly determined that venue is improper and that this case should be transferred to the Middle District of North Carolina.

Conclusion

For the forgoing reasons, the Court **ADOPTS** the R&R (Dkt. No. 7) as the order of the Court and **TRANSFERS** this case to the United States District Court for the Middle District of North Carolina for further handling.

AND IT IS SO ORDERED.

s/Richard Mark Gergel
United States District Judge

October 10, 2024
Charleston, South Carolina